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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 LVC SURGICAL CENTER, LLC, a Nevada  
9 Limited Liability Corporation;

Case No.: 2:19-cv-01734-RFB-BNW

10 Plaintiff,

11 vs.

12 INSIGHT SURGICAL EQUIPMENT CO., an  
13 Arizona Corporation; DOES 1 through 10,  
inclusive; and ROE BUSINESS ENTITIES I  
through X, inclusive,

14 Defendant.

15 And Related Claims.

**[PROPOSED] JOINT DISCOVERY PLAN  
AND SCHEDULING ORDER (Fed. R. Civ.  
P. 26(f))**

**SUBMITTED IN COMPLIANCE WITH  
LR 26-1(b)**

16 Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1-1, Plaintiff LVC  
17 SURGICAL CENTER, LLC (“Plaintiff”, “Counter-Defendant”, or “LVC”), by and through its  
18 attorneys of record, the law firm of MICHAEL B. LEE., P.C., and Defendant INSIGHT  
19 SURGICAL EQUIPMENT CO. (“Insight”, “Defendant”, or (“Counterclaimant”), by and  
20 through its counsel of record, WILSON ELSER, (collectively the “Parties”), hereby submit to this  
21 Honorable Court the following joint discovery plan and scheduling order.

22 1. Meeting. As required by this Honorable Court by way of an Order (ECF No.  
23 021), Michael B. Lee, counsel for Plaintiff, and Christopher Richardson, counsel for Defendant,  
24 met and conferred on November 13, 2019, to develop the following discovery plan. The  
25 Complaint was originally filed in Clark County, Nevada. Defendant removed it (ECF No. 1)  
26 October 4, 2019.

27 2. Pre-Discovery Disclosures. Plaintiff disclosed its initial disclosures of its  
28 witnesses, documents, damages, and no insurance on November 13, 2019. Insight will exchange

1 the information as required by Federal Rule of Civil Procedure 26(a)(1) on or before November  
2 27, 2019.

3 3. Discovery Plan. All discovery in this case will be conducted in accordance with  
4 the Federal Rules of Civil Procedure, and discovery will encompass issues commonly pursued in  
5 breach of contract, deceptive trade practices cases. The parties propose the following discovery  
6 overview, discovery plan and cutoff dates:

7 a. Discovery Cut-off Date. Plaintiff filed the instant action in the Nevada  
8 District Court, Eighth Judicial District Court, on September 11, 2019. Defendants filed an  
9 Answer and Counterclaim on November 6, 2019 (ECF No. 021). Plaintiff filed a Reply to the  
10 Counterclaims on November 6, 2019 (ECF No. 022).

11 b. The Parties propose the following discovery dates:

- 12 i. Discovery Cut-Off by May 11, 2020.
- 13 ii. Joint Protective Order by February 11, 2020.
- 14 iii. Last date to amend pleadings and add parties by Feb. 11, 2020
- 15 iv. Last date to file interim status report by March 12, 2020.
- 16 v. Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2) by  
17 March 12, 2020
- 18 vi. Last date to disclose rebuttal experts by April 10, 2020.
- 19 vii. Motions due by June 10, 2020.
- 20 viii. Proposed Joint Pretrial Order due by July 10, 2020.

21 c. Joint Pretrial Order: The parties propose the Joint Pretrial Order shall be  
22 filed on or before July 10, 2020 which is 30 days after the deadline for filing dispositive motions.  
23 However, if dispositive motions have been filed, the Joint Pretrial Order shall be due thirty days  
24 after a decision or by further order of the Court. Disclosures under Rule 26(a)(3) of the Federal  
25 Rules of Civil Procedure and any objections thereto shall be included in the Joint Pretrial Order.

26 4. Alternative Dispute Resolution. This matter is currently set for a mediation on  
27 January 3, 2020 (ECF No. 014).

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1       5. Alternative Forms of Case Disposition. The parties certify that they considered  
2 consent to trial by a magistrate judge under 28 U.S.C. 636(c) and Fed. R. Civ. P. 73 and the use  
3 of the Short Trial Program (General Order 2013-01), but declined to do so.

4       6. Electronic Evidence. A jury trial has been demanded, and the Parties certify that  
5 they discussed whether they intend to present evidence in electronic format to jurors for the  
6 purposes of jury deliberations. No stipulations were reached regarding providing discovery in an  
7 electronic format compatible with the court's electronic jury evidence display system, but the  
8 Parties will readdress this before they submit a Joint Pretrial Order. The Parties will consult the  
9 court's website or contact the assigned judge's courtroom administrator for instructions about  
10 how to prepare evidence in an electronic format and other requirements for the court's electronic  
11 jury evidence display system.

12       7. Special Scheduling Review Requested. The Parties requested a discovery period  
13 of 180 days from the date of the meet-and-confer. As neither party has conducted any discovery,  
14 this will provide sufficient time for both Parties to utilize written discovery requests, issue  
15 subpoenas, and conduct depositions for this matter. The Parties believe an extended discovery  
16 period may be necessary given the allegations involved in this action, and will provide a status  
17 report or a stipulation / motion in the event additional discovery is necessary.

18       Dated this 14 day of November, 2019.

19       MICHAEL B. LEE, P.C.

20       /s/ Michael Lee

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27       **IT IS SO ORDERED**

28       **DATED: November 15, 2019**



**BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**